

CHAPTER 3

ELIGIBILITY AND SLOT ALLOCATION

Revised December 2020

HASCI Waiver Eligibility

To become enrolled in the HASCI Waiver program, a person must meet all of the following requirements:

- have a diagnosis of Traumatic Brain Injury (TBI), Spinal Cord Injury (SCI), or Similar Disability (SD) as established by determination of eligibility for the SCDDSN Head and Spinal Cord Injury Division
Diagnostic eligibility criteria for the HASCI Waiver are the same as for the SCDDSN Head and Spinal Cord Injury Division (Section 44-38-370 of South Carolina Code of Laws).
- be allocated a HASCI Waiver participant slot
- receive Medicaid in South Carolina or become eligible prior to enrollment
- meet Level of Care (LOC) criteria for a Nursing Facility (NF) or an Intermediate Care Facility for Individuals with Intellectual Disability (ICF/IID)
- depend on others to provide, assist with, or supervise/monitor critical health needs and/or personal care and basic activities of daily living
- need services or assistance not available from existing resources, including family, private funds, and other agencies/programs
HASCI Waiver is the last payer after all other funding and resources available to the person.
- have sufficient independence/natural supports to live safely in a private residence or other community setting with limited HASCI Waiver services and other available services/resources
- be enrolled in the HASCI Waiver prior to age 65 years. *Current participants remain eligible after their 65th birthday if all other eligibility factors continue to be met.*

Management of HASCI Waiver Slots

A limited number of participant slots are available each year for the HASCI Waiver. The actual number of slots allocated by SCDDSN depends on the availability of State matching funds. Allocation of HASCI Waiver slots is managed by the Head and Spinal Cord Injury Division.

Requesting a HASCI Waiver Slot

Referral for HASCI Waiver services can be made during SCDDSN intake or anytime following SCDDSN eligibility determination.

Whenever the HASCI Waiver is specifically requested or it is reported that a person has needs that could likely be met with HASCI Waiver services, the SCDDSN Eligibility Screener, the Intake Worker, or person's Waiver Case Manager must inform the person or legal guardian/representative of:

- the option to be referred to the HASCI Waiver
- requirements to qualify for the HASCI Waiver program
- services that are available through the HASCI Waiver
- the right to seek reconsideration by SCDDSN and to request a fair hearing from the State Medicaid agency (SCDHHS) for adverse decisions or actions related to applying for HASCI Waiver services.

A HASCI Waiver Fact Sheet is available to assist with this. *It can be accessed via the SCDDSN Application Portal >Business Tools >Forms >HASCI Waiver.*

Referral by Waiver Case Manager

The Waiver Case Manager is responsible for assessing the person's needs and determining the service(s) and support(s) required to meet the identified needs. If, after assessing the needs and identifying the required services and supports, the Waiver Case Manager finds that the HASCI Waiver is an appropriate mechanism for funding all or some of the needed services and supports, he/she should refer the person to the HASCI Waiver. The Waiver Case Manager must complete a *Request for HASCI Waiver Slot* (HASCI Form 1) and forward it by SComm, secure email, mail, or fax to the HASCI Division within three (3) working days of the applicant/legal guardian's request for waiver services or of the determination that waiver services are needed. The Waiver Case Manager must also forward the HASCI Waiver Information Sheet to the applicant/guardian within three (3) working days.

When a slot is requested, HASCI Division staff will review the Slot Request Form (HASCI Form 1). The request will be reviewed to determine if the person referred meets criteria for Reserved Capacity [see the criteria for Reserved Capacity later in this chapter]. If he/she meets criteria for Reserved Capacity and a slot is available, the HASCI Program Coordinator will allocate a slot, and notify the WCM.

If the person does not meet criteria for Reserved Capacity, he/she will be placed on the HASCI Waiver wait list. The person/legal guardian will be notified in writing of this decision, as will the WCM and the Case Management Supervisor. The

appeals/reconsideration process will be included with the written notification to the individual/legal guardian. When a slot becomes available, the WCM will be notified.

HASCI Waiver Waiting List

SCDDSN maintains a waiting list of applicants for the HASCI Waiver managed by the HASCI Division.

- Waiting list placement is based on the date of referral.

All persons referred to the HASCI Waiver are placed on the waiting list. Individuals referred to the HASCI Waiver prior to SCDDSN eligibility determination are placed on the waiting list pending determination that the person meets the waiver's target population. A person cannot be allocated a slot until he/she is determined to meet the target population for the HASCI Waiver. When it is determined that the person meets the target population for the HASCI Waiver, and a slot is available for allocation, he/she will be allocated a slot.

- At any time, a person or legal guardian can request the Waiver Case Manager to provide an update on the person's status and position on the waiting list.

Allocation of HASCI Waiver Slots

To be eligible for enrollment, a person must first be determined to meet the target population of the HASCI Waiver.

- In review of eligibility for SCDDSN Services, the SCDDSN Eligibility Division will establish whether the person meets the target population for the HASCI Waiver.
- While a person can request the HASCI Waiver at any point during the SCDDSN eligibility process, a slot will not be allocated until it has been determined that he/she meets the target population.
- When a slot is requested prior to verification that the person meets the target population, he/she will be added to the waiver waiting list, but will not be allocated a slot until it has been determined that he/she meets the target population.
- If the person has been determined to meet the target population for the HASCI Waiver, the slot will be allocated based on slot availability and the date of the slot request.
- If it is determined that the person does not meet the target population for the HASCI Waiver, the person will be removed from the waiting list. Notification will be provided to the person along with the notice of "SC DDSN Reconsideration and SC DHHS Medicaid Appeal Rights".
 - If the person requests reconsideration/appeal, and the determination is overturned, the person will be added back to the waiting list and a slot will be allocated based on slot availability and the date of the initial slot request.
 - If the determination is upheld, the person's name will not be added back to the waiting list and a slot will not be allocated.

When the applicant has been awarded a slot, the HASCI Program Coordinator will notify SCDHHS of the slot allotment via submission of SCDHHS Form 118A.

Individuals in the following situations qualify for Reserved Capacity and will be enrolled on a priority basis (bypassing the waiting list):

1. **At Risk of Serious and Imminent Harm:** This category includes individuals requiring a service through the waiver, which, if not provided, will likely result in serious and imminent harm AND who have an immediate need for direct care or supervision which directly relates to their disability. OR Individuals requiring a service through the waiver, which, if not provided, will likely result in serious and imminent harm AND has recently lost a primary caregiver or is at imminent risk of losing a primary caregiver.
2. **Institutional Transitions:** This category includes individuals discharged from an ICF/IID or Nursing Facility.
3. **Residential Service Applicants:** Individuals transitioning into community-based housing sponsored, licensed, or certified by the South Carolina Department of Disabilities and Special Needs needing waiver services. If Residential Habilitation is an identified service that can meet the needs of an individual seeking enrollment in the HASCI Waiver, a request for Residential Habilitation must be submitted as outlined in SCDDSN Directive 502-05-DD – DDSN Waiting Lists. If a HASCI Waiver slot request has not already been submitted to the HASCI Division, such a request should be completed. Once the person's name is on the Critical Needs Residential Waiting List, The HASCI Division will complete the Slot Allocation Memo and will forward it to the WCM.
4. **Foster Care:** This includes children and youth served by the South Carolina Department of Social Services (DSS) Foster Care (FC) program.
5. **Military:** This includes eligible family members of a member of the armed services who maintains a South Carolina residence, regardless of where the service member is stationed, will maintain waiver status. A family member on the waiting list would return to the same place on the waiting list when the family returns to South Carolina. An eligible family member previously enrolled in the waiver program would be reinstated into the waiver program once South Carolina Medicaid eligibility is established upon their return to South Carolina. No services will be provided outside the South Carolina Medicaid Service Area.

If the Waiver Case Manager determines that a person meets criteria for Reserved Capacity, the Waiver Case Manager should indicate this information on HASCI Form 1, along with what category of Reserved Capacity the person meets. The request must be sent to the HASCI Program Coordinator for review. A decision will be made regarding approval of the person's request for a Reserved Capacity slot and the decision will be communicated in writing to the Waiver Case Manager and the person. The

appeal/reconsideration process will be included with the notification to person/legal guardian.

HASCI Waiver Residential Slots

A limited number of HASCI Waiver slots are available specifically for participants in a residential placement funded by SCDDSN. Allocation of a HASCI Waiver residential slot is contingent on the availability of funding and a vacancy in an appropriate residential placement.

A person must be approved for the SCDDSN Critical Needs List or the Priority I Residential Waiting List to be considered for a placement funded by SCDDSN. To refer a person, the Waiver Case Manager must submit a *Report of Critical/Urgent Circumstances* (SCDDSN Directive 502-05-DD, Appendix A).

The Waiver Case Manager must notify the HASCI Division by SComm whenever a *Report of Critical/Urgent Circumstances* is submitted.

- If the person is not already enrolled in the HASCI Waiver or on the waiting list, the Waiver Case Manager must complete a *Request for HASCI Waiver Slot* (HASCI Form 1) and forward it to the HASCI Division.

Removal from HASCI Waiver Waiting List

A person will be removed from the HASCI Waiver waiting list if any of the following occurs:

- HASCI Waiver slot allocated
- Determined ineligible
- Death
- Moved out of state
- Admission to a NF or ICF/IID expected to be permanent
- Cannot be located
- Removal requested by the person or legal guardian

If the person or legal guardian requests removal from the HASCI Waiver waiting list, the Waiver Case Manager must document the reason in a Case Note and, except in the case of death, complete a *HASCI Waiver Slot Declination* (HASCI Form 3). It must be signed by the person or legal guardian and the Waiver Case Manager, (or the non-signature/non-cooperation process must be followed). The form must be maintained in the person's file. Copies must be sent to the HASCI Division and to the person or legal guardian.

If it is reported that a person on the waiver waiting list has died, the Waiver Case Manager should notify the HASCI Waiver Program Coordinator and his/her name will be removed from the waiting list.

A person on the waiting list who does not want to pursue a HASCI Waiver slot when notified one is available can choose to either move to bottom of the waiting list or be removed from the waiting list. The Waiver Case Manager must document the option chosen in a Case Note and notify the HASCI Division by SComm.